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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

MANUEL ANTONIO WATSON RAMOS,

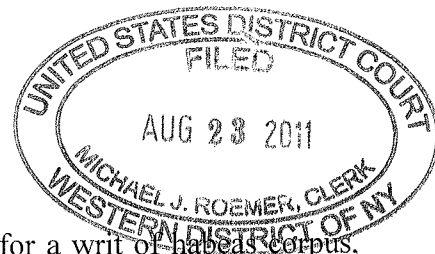
Plaintiff,

-v-

DECISION AND ORDER
11-CV-0577F

ERIC H. HOLDER, et al.,

Respondents.



Petitioner, Manuel Antonio Watson Ramos, filed a petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2241, challenging his continued administrative custody/detention pending removal. (Docket No. 1). Petitioner was ordered to be deported on or about January 24, 1990, and taken into custody by the Department of Homeland Security, Bureau of Immigration and Customs Enforcement ("ICE") on or about January 4, 2011. (Docket No. 1, Petition, ¶ 1; Docket No. 4, Motion to Dismiss, Affidavit of Gail Y. Mitchell, sworn to August 8, 2011 ("Mitchell Aff."), Exh. A--Order of Supervision). Respondents have filed a motion to dismiss the petition as moot inasmuch as petitioner has been released from administrative detention pending removal pursuant to an Order of Supervision, dated July 22, 2011. (Mitchell Aff., ¶¶ 4-5, and Exh. A--Order of Supervision).

Accordingly, in light of the fact that petitioner has been released from administrative detention, the respondents' motion to dismiss the petition is granted and the petition is dismissed. *See Masoud v. Filip*, NO. 08-CV-6345-CJSVEB, 2009 WL 223006 (W.D.N.Y., January 27, 2009) (confirming Report and Recommendation of U.S.M.J. Victor E. Bianchini) (petition for a writ of

habeas corpus filed under 28 U.S.C. § 2241 seeking release from detention pending removal moot upon release of petitioner from detention pursuant to an Order of Supervision).

The Clerk of the Court is directed to forward a copy of this Order to petitioner at the address set forth in the Order of Supervision: 6374 West 27th Way, Hialeah, Florida 33016.

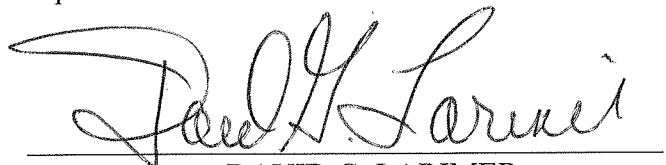
The Court hereby certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this judgment would not be taken in good faith and therefore denies leave to appeal as a poor person. *Coppedge v. United States*, 369 U.S. 438 (1962).

Petitioner must file any notice of appeal with the Clerk's Office, United States District Court, Western District of New York, within thirty (30) days of the date of judgment in this action. Requests to proceed on appeal as a poor person must be filed with the United States Court of Appeals for the Second Circuit in accordance with the requirements of Rule 24 of the Federal Rules of Appellate Procedure.

IT HEREBY IS ORDERED, that the petition is dismissed; and

FURTHER, that leave to appeal as a poor person is denied.

IT IS SO ORDERED.



DAVID G. LARIMER
United States District Judge

DATED: August 22, 2011
Rochester, New York